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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
KELLY, CATHERINE A				
ART UNIT		PAPER NUMBER		
3634				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/552,144

Applicant(s)

BORTOLUZZI, GUIDO

Examiner

CATHERINE A. KELLY

Art Unit

3634

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 17-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The amended language "coaxially with respect to the rail" in line 17 of claim 17 appears to mean the same as the preceding "longitudinally" and thus is indefinite. Claims 18-24 are rejected as depending from claim 17.

Claims 25-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. While Examiner appreciates applicant's endeavors to fix the specific language stated in the previous action to be indefinite, Examiner still maintains that the language of the current claims reads as if written by a non-native English speaker and thus is at times indefinite. Applicant is encouraged to review the entirety of claims 25-32 and to fix any seeming translation difficulties or other indefiniteness.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and

the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-28, 32, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent 4664690. The sliding door of claim 17 is shown in the '690 reference in figures 1, 2, and 4 where the cam guide is reference numeral 24, shutter 1 and 2, clamp 10, first carriages 20, and second carriages 15. The door shown in the '690 reference teaches the first carriage 20 moving relative to second carriage 15 in column 2 lines 61-68. However, the '690 reference teaches second carriage 15 attached to clamp 10 and thus to shutter 1. The claimed attachment of first carriage to shutter would be mere rearrangement of parts, see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 18, the movement of carriages and shutter is taught in the '690 reference in column 2 lines 61-68.

Regarding claim 19, the '690 reference shows the linkage of carriage and shutter via clamps in figure 1 where the shutter is reference numeral 1, clamp 10, and carriage

15. The linkage to the first carriage instead of the second carriage is mere rearrangement of parts, see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 20, the carriage specifics are shown in the '690 reference in figures 2 and 4 where the first carriage is reference numeral 20 with roller 23, second carriage 15 with pulley 14 sliding in rail 13.

Regarding claims 21-23, the placement of the carriage as attached to the shutter is shown in the '690 reference in figure 4 where carriages 20 are placed on shutter 1 towards the edges. The specific arrangement in the center or on the edge is mere rearrangement of parts. see MPEP 2144.04 VI section C. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the arrangement of parts is mere design choice based on factors such as manufacturing cost, time, etc...

Regarding claim 24, the upper and lower carriages are shown in the '690 reference in figures 2 and 3 where figure 2 shows upper carriage 20 and figure 3 lower carriage 36 and further taught in column 2 lines 46-68 and column 3 lines 12-28.

Regarding claim 25, the carriage arrangement is shown in the '690 reference in figures 1 and 2 where carriage 15 has pulley 14 with sliding wheel with an axis in a different direction also 14 sliding along shoulder unnumbered but clearly seen on rail 13.

Regarding claim 26, the pulley arrangement is shown in the '690 reference in figures 2 and 4 where the pulleys 14 can rotate along rail 13 even when tilted slightly due to the taper or flare at the axel.

Regarding claim 27, the second carriage is shown in the '690 reference in figure 2 reference numeral 15 and examiner takes Official Notice that stop wheels are known in the art. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because the stop wheel can provide stability in the movement of the shutter which increases durability and ease of use, both of which are always desirable in the art.

Regarding claim 28, the second guide is shown in the '690 reference in figure 6 where the carriage is reference numeral 36 and further taught in column 3 lines 12-28 with guide slot 39. The claim is examined as best understood.

Regarding claim 32, the upper and lower carriages are shown in the '690 reference in figures 2 and 3 where figure 2 shows upper carriage 20 and figure 3 lower carriage 36 and further taught in column 2 lines 46-68 and column 3 lines 12-28.

Regarding claim 33, the sliding door is shown in the '690 reference in figures 1, 2, and 4 where the cam guide is reference numeral 24, shutter 1 and 2, clamp 10, first carriages 20, and second carriages 15. The door shown in the '690 reference teaches the first carriage 20 moving relative to second carriage 15 in column 2 lines 61-68. However, the '690 reference teaches second carriage 15 attached to clamp 10 and thus to shutter 1. The claimed attachment of first carriage to shutter would be mere rearrangement of parts, see MPEP 2144.04 VI section C. It would have been obvious

to one of ordinary skill in the art at the time of invention. The claimed bent ends of the cam guide would be mere design choice change in shape and thus obvious, see MPEP 2144.40 IV Section B. One of ordinary skill would be motivated to rearrange based on design choice factors such as manufacturing cost, time, etc... and to change the shape based on design choice factors such as space considerations, aesthetics, etc...

As best understood, Claims 29-31 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 4644690 as applied to claim 28 above, and further in view of US patent 4608777. The '690 reference shows an upper pulley and lower guide in figure 1 where the pulley is reference numeral 14, pin 38 is attached to carriage 36 and is guided in slot 39. However, the transmission shaft is not shown in the '690 reference. The shaft is shown in the '777 reference in figure 7a reference numeral 11 and held to shutter 6 via brackets 11. It would have been obvious to one of ordinary skill in the art at the time of invention. One of ordinary skill would be motivated to combine because of the known benefits of using a guide similar to that in the '690 reference such as increased stability of door movement with the additional benefit of the full shutter shaft such as increased structural supported and limited swaying motion of the door, all of which are desirable in the art.

Regarding claim 30, one of ordinary skill in the art would be motivated to link the shaft to the pulley because it would provide additional guidance to the shutter movement and thus increased stability which is always desirable in the art.

Regarding claim 31, the lower guide is shown in the '690 reference as stated above in figure 1.

Regarding claim 34, the sliding door is shown in the '690 reference in figures 1, 2, and 4 where the cam guide is reference numeral 24, shutter 1 and 2, clamp 10, first carriages 20, and second carriages 15. The door shown in the '690 reference teaches the first carriage 20 moving relative to second carriage 15 in column 2 lines 61-68. The second guide/control is shown in figure 6 where the carriage is reference numeral 36 and further taught in column 3 lines 12-28 with guide slot 39. Lower guide 39 is shown in figure 1. Pulley 14 is shown in figure 1.

However, the '690 reference teaches second carriage 15 attached to clamp 10 and thus to shutter 1. The claimed attachment of first carriage to shutter would be mere rearrangement of parts, see MPEP 2144.04 VI section One of ordinary skill would be motivated to rearrange the parts based on design choice factors such as manufacturing cost, time, etc...

The '690 reference does not show transmission shaft.

The transmission shaft is shown in the '777 reference in figure 7a reference numeral 11 and held to shutter 6 via brackets 11.

One of ordinary skill would be motivated to combine because of the known benefits of using a guide similar to that in the '690 reference such as increased stability of door movement with the additional benefit of the full shutter shaft such as increased structural supported and limited swaying motion of the door, all of which are desirable in the art.

Response to Arguments

Applicant's arguments filed 12/3/2008 have been fully considered but they are not persuasive. Examiner notes that the general concept of an outwardly moving door is taught in the '690 reference. Thus, Examiner disagrees with applicant's argument that the movement of the second door is taught. The movement of a door is taught. It could be either first or second door. The shifting of both doors would require small and obvious rearrangement of the mechanism of the '690 reference, thus, generally the '690 reference could teach outward opening planar closing doors. Further, the combined structure of the '031 reference with the curving guide makes it such the general concepts taught by the '690 and '031 references read over the present invention. The transmission shaft of the '777 reference is argued by applicant to guide in a direction not intended by applicant. Examiner notes that the '777 reference generally teaches the guided shaft movement and thus in combination with the '690 and '031 references, reads over the present invention. Applicant's new claims 33 and 34 have been rejected above and thus the arguments directed at these claims are moot.

Examiner also notes that the status of the claimed subject matter and language were discussed on 3/18/2009 with applicant's representative in an attempt to reach an agreement on the interpretation of the art versus the claimed subject matter, but, as stated over the phone, as no agreement was reached by 3/25/2009 Examiner has proceeded with current interpretation of art and claims and written the above final rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 9am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./
Examiner, Art Unit 3634

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